

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAANTHONY LEE BALDWIN,
Plaintiff,

v.

DR. L. GAMBOA, et al.,
Defendants.

Case No. 20-00676 BLF (PR)

**ORDER DIRECTING PLAINTIFF
TO REFILE COMPLETE
AMENDED COMPLAINT;
DIRECTING CLERK TO SEND
PLAINTIFF COPY OF AMENDED
COMPLAINT**

Plaintiff, a California state prisoner, filed the instant *pro se* civil rights action pursuant to 42 U.S.C. § 1983 against employees of Salinas Valley State Prison (“SVSP”), where he is currently incarcerated, and officers at the Del Norte County Sheriff’s Office. Dkt. No. 1. The Court dismissed the complaint with leave to amend for Plaintiff to attempt to correct several deficiencies. Dkt. No. 9. Plaintiff filed an amended complaint, but due to possible scanning errors, the docketed copy appears to be missing pages that may contain necessary allegations to state a cognizable claim. Dkt. No. 12 at 5-6. In the interest of justice, the Court directs Plaintiff to file another copy of the amended complaint to ensure that a complete copy has been filed in this matter. Plaintiff shall be provided with a copy of the amended complaint that was docketed in this matter under Docket No. 12, to review and resubmit with any missing pages.

CONCLUSION

For the reasons state above, the Court orders as follows:


1. Within **twenty-eight (28) days** from the date this order is filed, Plaintiff shall file a complete amended complaint using the court's form complaint that complies with the Court's initial review order, "Order of Dismissal with Leave to Amend." Dkt. No. 9. The amended complaint must include the caption and civil case number used in this order, *i.e.*, Case No. C 20-00676 BLF (PR), and the words "AMENDED COMPLAINT" on the first page. Plaintiff must answer all the questions on the form in order for the action to proceed. Plaintiff is reminded that the amended complaint supersedes the original, and Plaintiff may not make references to the original complaint. Claims not included in the amended complaint are no longer claims and defendants not named in an amended complaint are no longer defendants. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir.1992).

If Plaintiff does not refile an amended complaint in the time provided, the Court will proceed with an initial review of the amended complaint filed under Docket No. 12 as it appears on the docket.

2. The Clerk shall include two copies of the court's form complaint with a copy of this order to Plaintiff. **The Clerk shall also include a print-out of the Amended Complaint filed under Docket No. 12, and copy of the Court's "Order of Dismissal with Leave to Amend," Dkt. No. 9, with a copy of this order to Plaintiff.**

IT IS SO ORDERED.

Dated: __January 8, 2021__


BETH LABSON FREEMAN
United States District Judge

Order Directing Pl to File Am. Compl
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